IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

WP(C).No. 20452 of 2007(I)

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PETITIONER:

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ANIL KUMAR S., T.C. 69/1895(1),
ATHIRA BHAVAN, KOVALAM,
THIRUVANANTHAPURAM.

BY ADV. SRI.C.K.MOHANAN

RESPONDENTS:

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1. THE SECRETARY,
CORPORATION OF THIRUVANANTHAPURAM,
THIRUVANANTHAPURAM.

ADDL.R2. MRS.THANKAMMA THOMAS,T.C.67/1897, KOVALAM,
THIRUVANANTHAPURAM.

ADDL.R2 IMPLEADED AS PER ORDER ON IA.9196/2007 DT. 5/7/2007.

BY ADV.SRI.N.NANDAKUMARA MENON

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**A.K. Basheer, J.**

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**W.P(C) No. 20452 of 2007-I**

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**Dated this the 5th day of July, 2007.**

**J U D G M E N T**

It is seen from the record that petitioner was directed to submit an application before respondent No.1 for regularisation of the alleged illegal constructions. Ext.P3 order of the Tribunal shows that the Corporation was directed to consider the possibility of regularistion , if such an application was filed by the petitioner within 30 days from the date of order of the Tribunal.

2. It is contended by learned Standing Counsel for the Corporation that the petitioner had not compiled with the above direction. He had not submitted the application within 30 days from the date of order viz., October 31, 2006. However it is submitted by learned Standing Counsel that petitioner and respondent No.2 were heard by the Corporation in the matter. An order is likely to be passed very soon.

3. But learned counsel for the petitioner submits that the delay in submitting the application had not occurred because of any laches on the part of the petitioner. He had in fact authorised his licensed architect to do the needful in the matter. A detailed plan was directed to be prepared for this purpose. Petitioner has now been informed that the authorised architect had in fact submitted an application as directed by the Tribunal along with the plan on July 2, 2007.

4. In that view of the matter, having regard to the peculiar facts and circumstances I am satisfied that the delay that has occurred in the matter can be condoned. The application which is

stated to have been filed by the petitioner on July 2, 2007 shall be treated as within time ignoring the delay. The Corporation shall take a decision in the matter in accordance with law, in terms of the direction issued by the Tribunal, after affording sufficient opportunity to the petitioner and respondent no.2. This shall be done as expeditiously as possible, at any rate within two months from the date of receipt of a copy of this judgment. Till such time orders are passed, status quo as on today shall be maintained.

5. Petitioner shall send a copy of the writ petition and a certified copy of the judgment along with the application and plan to respondent No.2 by registered post with acknowledgment due, for information, within 7 days from today.

Writ Petition is disposed of in the above terms.

**A.K. Basheer**
**Judge.**

**an.**